

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TERRENCE KUEHL,

Plaintiff,

vs.

JEFFERSON PILOT FINANCIAL,
LINCOLN FINANCIAL GROUP,

Defendants.

8:12CV260

ORDER

This matter is before the court on the Order and Findings and Recommendation of the magistrate judge (Filing No. [32](#)). The magistrate judge recommended that the plaintiff's Motion for Remand (Filing No. [11](#)) be denied. Further, the magistrate judge denied the plaintiff's Motion to Amend (Filing No. [21](#)) to the extent the plaintiff sought to add Jefferson Pilot Financial Insurance Company as a defendant and granted the motion in all other respects. The plaintiff was given until November 21, 2012, to file an amended complaint; and on November 14, 2012, the plaintiff filed an Amended Complaint (Filing No. [33](#)).

A district court reviews de novo those portions of a magistrate's order that are objected to by a party. *Grinder v. Gammon*, 73 F.3d 793, 792 (8th Circuit 1996). "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1)(2006). A district court may reconsider a magistrate judge's ruling where it has been shown that the ruling is clearly erroneous or contrary to law. *Ferguson v. United States*, 484 F.3d 1068, 1076 (8th Cir. 2007) (citing 28 U.S.C. § 636(b)(1)(A) (2006)).

The parties filed no objections to the findings and recommendation of the magistrate judge. The court has carefully reviewed the record and finds that the magistrate judge's findings and recommendation should be adopted in their entirety.

THEREFORE, IT IS ORDERED that:

1. The Findings and Recommendation of the magistrate judge (Filing No. [32](#)) are adopted in their entirety;
2. The Motion for Remand (Filing No. [11](#)) is denied.

Dated this 28th day of November, 2012.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge